
SUBSTITUTE HOUSE BILL 2752

State of Washington

60th Legislature

2008 Regular Session

By House Judiciary (originally sponsored by Representatives O'Brien, Hurst, Loomis, and Schual-Berke)

READ FIRST TIME 02/04/08.

1 AN ACT Relating to liability immunity for aerial search and rescue
2 activities managed by the department of transportation; and amending
3 RCW 47.68.380.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 47.68.380 and 1995 c 153 s 1 are each amended to read
6 as follows:

7 (1) The aviation division of the department is responsible for the
8 conduct and management of all aerial search and rescue within the
9 state. This includes search and rescue efforts involving aircraft and
10 airships. The division is also responsible for search and rescue
11 activities involving electronic emergency signaling devices such as
12 emergency locator transmitters (ELT's) and emergency position
13 indicating radio beacons (EPIRB's).

14 (2) An act or omission by any person registered with the aviation
15 division of the department for the purpose of engaging in aerial search
16 and rescue activities, while engaged in such activities, shall not
17 impose any liability for civil damages resulting from the act or
18 omission. However, the immunity provided under this subsection shall
19 not apply to an act or omission that constitutes gross negligence or

1 willful or wanton misconduct. For the purpose of this subsection,
2 "aerial search and rescue activities" includes, but is not limited to,
3 training and training-related activities, but does not include
4 appropriate search and rescue activities conducted under the authority
5 of RCW 38.52.400.

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